

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CASE NO. 7:21-CV-015
§
0.023 ACRES OF LAND, MORE OR LESS, §
SITUATE IN STARR COUNTY, §
STATE OF TEXAS; AND UNKNOWN §
HEIRS OF MARIA C. VELA, *et al.*, §
§
Defendants. §

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

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SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, 133 Stat. 13, which appropriated the funds that shall be used for the taking.

SCHEDULE

B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE

C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-8008

Owner: Unknown Heirs of Maria C. Vela, *et al.*

Acres: 0.023

Being a 0.023 of one acre (989 square feet) parcel of land, more or less, being out of the Nicolas Vela Survey, Abstract No. 179, Porción 82, Starr County, Texas, being out of a called 2.000 acre tract recorded in Volume 133, Page 1, Deed Records of Starr County, Texas (Share 116) and being out of a called 0.115 acre tract conveyed to Maria C. Vela by Warranty Deed recorded in Volume 369, Page 577, Deed Records of Starr County, Texas, said parcel of land being more particularly described by metes and bounds as follows;

Beginning at a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-8007-1=8008-1" for the southwest corner of Tract RGV-RGC-8008, said point being at the southwest corner of the 0.115 acre tract and the southeast corner of the remainder of a called 9.664 acre tract conveyed to Pedro Ramirez, Federico Ramirez, Eusebio Ramirez De Garcia, Maria Ramirez De Lopez and Juan Ramirez Vela by Certified Copy of Final Judgement recorded in Volume 133, Page 1, Deed Records of Starr County, Texas (Share 107-B), said point being in the north line of a called 9.81 acre tract conveyed to Tiburcia G. Ramirez by Partition Deed recorded in Volume 843, Page 622, Official Records of Starr County, Texas (Tract No. 1), said point having the coordinates of N=16648309.859, E=892013.164;

Thence: N 09°21'00" E (N 09°15'00" E, Record), departing the north line of the 9.81 acre tract, with the west line of the 0.115 acre tract and the east line of the 9.664 acre remainder tract, for a distance of 39.31' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-8007-8=8008-2" for the north corner of Tract RGV-RGC-8008, said point being in the west line of the 0.115 acre tract and the east line of the 9.664 acre remainder tract;

Thence: departing the east line of the 9.664 acre remainder tract, over and across the 0.115 acre tract, the following courses and distances:

- S 48°25'55" E, for a distance of 46.28' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-8008-3" for the east corner of Tract RGV-RGC-8008;
- S 41°34'05" W, for a distance of 17.30' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-8004-2-10=8008-4" for the southeast corner of Tract RGV-RGC-8008, said point being in the south line of the 0.115 acre tract and the

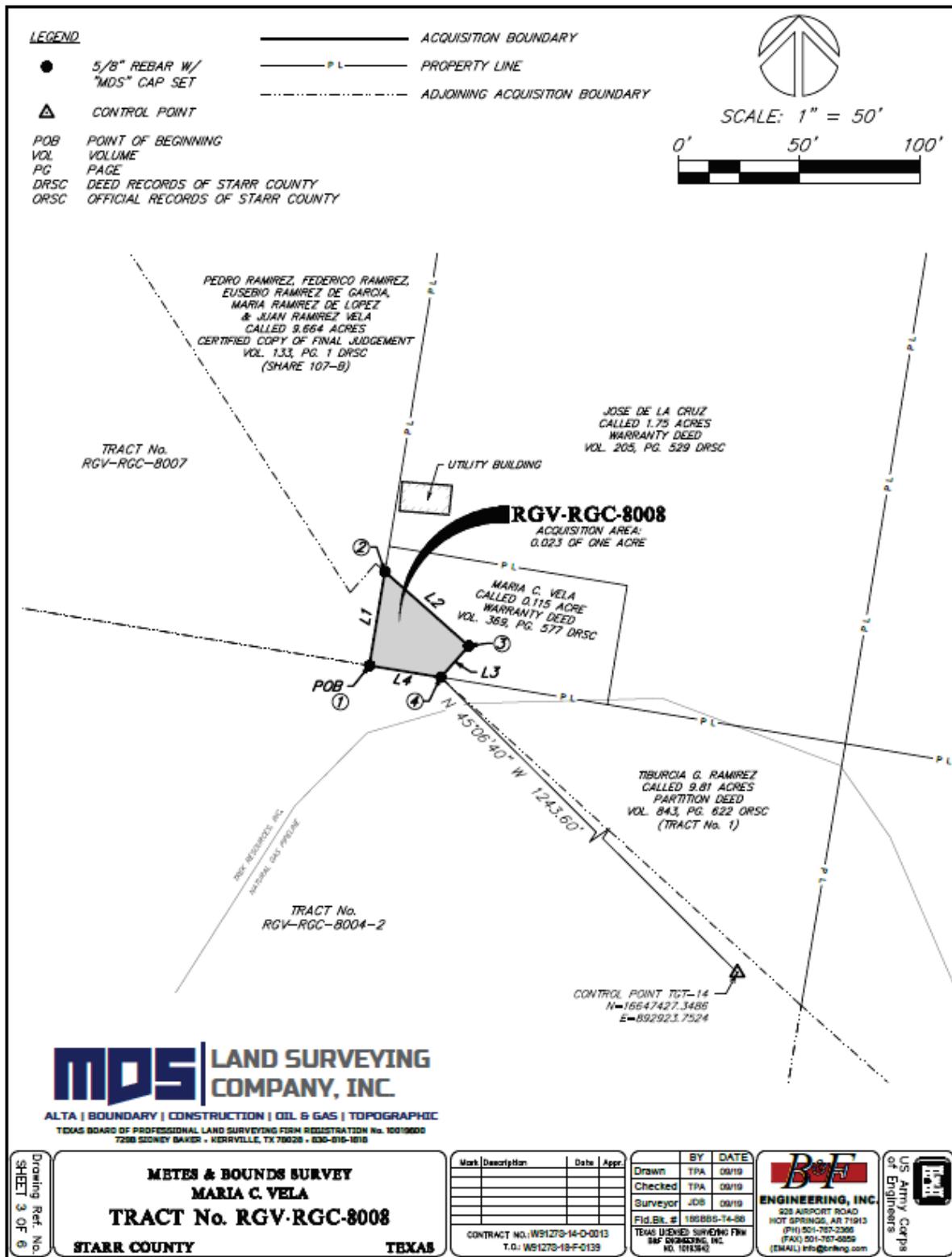
SCHEDULE C (Cont.)

north line of the 9.81 acre tract, said point bears N 45°06'40" W, a distance of 1243.60' from United States Army Corps of Engineers Control Point No. TGT-14;

Thence: N 80°39'00" W (N 80°45'00" W, Record), with the south line of the 0.115 acre tract and the north line of the 9.81 acre tract, for a distance of 29.92' to the **Point of Beginning.**

SCHEDULE

D

SCHEDULE D**MAP or PLAT****LAND TO BE CONDEMNED**

SCHEDULE D (Cont.)

LINE	BEARING	DISTANCE	REC-BEARING	REC-DISTANCE
L1	N 09°21'00" E	39.31'	N 09°15'00" E	N/A
L2	S 48°25'55" E	46.28'	N/A	N/A
L3	S 41°34'05" W	17.30'	N/A	N/A
L4	N 80°39'00" W	29.92'	N 80°45'00" W	N/A

COORDINATE TABLE

MONUMENT No.	NORTHING	EASTING	MONUMENT NAME
1	16648309.859	892013.164	RGV-RGC-8007-1=8008-1
2	16648348.647	892019.551	RGV-RGC-8007-8=8008-2
3	16648317.943	892054.173	RGV-RGC-8008-3
4	16648304.997	892042.691	RGV-RGC-8004-2-10=8008-4

NOTES

1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011), TX SOUTH ZONE (4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TODD COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECDT HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED 08/20/2019.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. MDS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO B&F ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (B17) 886-1143.
8. THE NATURAL GAS PIPELINES SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON GIS DATA.

MDS | LAND SURVEYING
COMPANY, INC.

ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION No. 10019600
7200 SIDNEY BAKER • KERRVILLE, TX 78026 • 830-265-1010

Drawing Ref. No. 4 OF 6 SHEET 4 OF 6	METES & BOUNDS SURVEY MARIA C. VELA TRACT No. RGV-RGC-8008 STARR COUNTY TEXAS	<table border="1" style="width: 100%;"> <thead> <tr> <th>Mark</th> <th>Description</th> <th>Date</th> <th>Appr.</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td>Drawn</td> <td>TPA 08/19</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Checked</td> <td>TPA 08/19</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Surveyor</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Fld. Br. #</td> <td>186885-T4-88</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td colspan="2">TEXAS U.S. DEPT. SURVEYING FIRM B&F ENGINEERING, INC. NO. 1013942</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td colspan="2">CONTRACT NO. W91270-14-D-0013 T.O. W91270-18-F-0139</td> </tr> </tbody> </table>	Mark	Description	Date	Appr.	BY	DATE					Drawn	TPA 08/19					Checked	TPA 08/19					Surveyor						Fld. Br. #	186885-T4-88					TEXAS U.S. DEPT. SURVEYING FIRM B&F ENGINEERING, INC. NO. 1013942						CONTRACT NO. W91270-14-D-0013 T.O. W91270-18-F-0139		 B&F ENGINEERING, INC. 228 AIRPORT ROAD HOT SPRINGS, AR 71913 (PH) 501-737-2366 (FAX) 501-737-0559 (EMAIL) info@bfinc.com
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SCHEDULE D (Cont.)

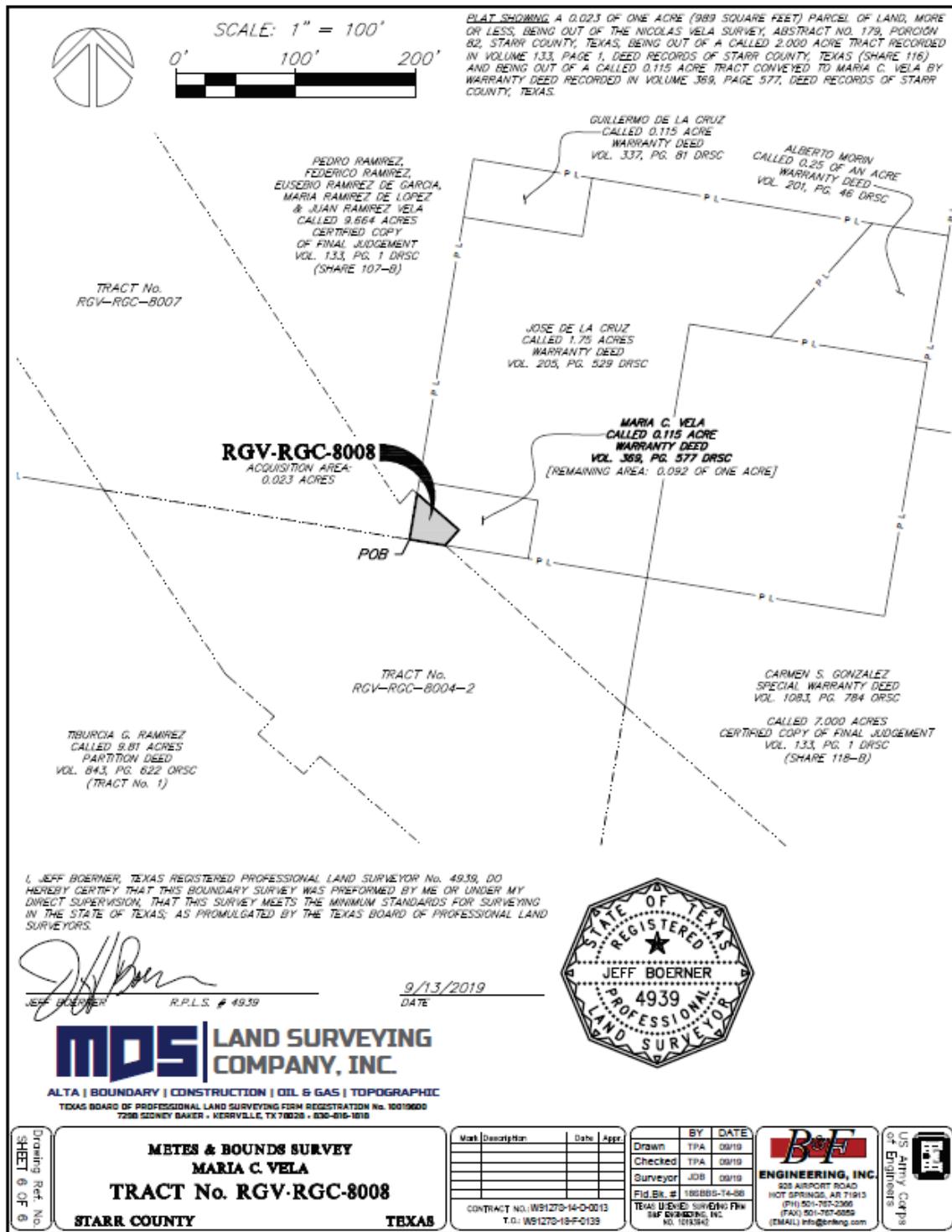
SCALE: 1" = 2000'
 0' 2000' 4000'



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Drawing Ref. No. 5 OF 6	METERS & BOUNDS SURVEY MARIA C. VELA TRACT No. RGV-RGC-8008 STARR COUNTY TEXAS		
CONTRACT NO. W91270-14-D-0013 T.O. W91270-18-F-0139 TEXAS U-ENR SURVEYING FIRM S&F SURVING, INC. NO. 1013582			
Mark Description	Date	App.	BY DATE
Drawn	TPA	09/19	
Checked	TPA	09/19	
Surveyor	JDB	09/19	
File Bk. #	188888-74-88		
Engineering, Inc. 225 AIRPORT ROAD HOT SPRINGS, AR 71913 (PH) 501-767-2366 (FAX) 501-767-0559 (EMAIL) info@enng.com			
U.S. Army Corps		of Engineers	

SCHEDULE D (Cont.)

Tract: RGV-RGC-8008

Owner: Unknown Heirs of Maria C. Vela, *et al.*

Acreage: 0.023

SCHEDULE

E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-8008

Owner: Unknown Heirs of Maria C. Vela, *et al.*

Acres: 0.023

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE

F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is NINE HUNDRED AND NINETY-SEVEN DOLLARS AND NO/100 (\$997.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE

G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Unknown Heirs of Maria C. Vela Address Unknown	RGV-RGC-8008 Warranty Deed dated March 13, 1973 and recorded on March 20, 1973 in Vol. 369, Page 577, as Instrument No. 1973-82655, Deed Records of Starr County
Roosevelt Vela [REDACTED]	Non-record claim of ownership to the Project Tract during negotiations. Named as owner by the Starr CAD.
Maria Vela (wife to Roosevelt Vela) [REDACTED]	
Ameida Salinas Starr County, Texas, Tax Assessor-Collector 100 N FM 3167, Rm 201 Rio Grande City, Texas 78582	Starr County Tax Assessor-Collector Former Parcel ID 27324

